

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

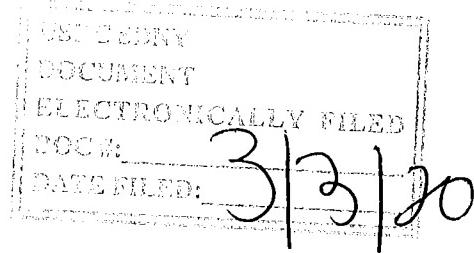
COURCHEVEL 1850 LLC,  
Plaintiff,

v.

MIGUEL ESPINOSA a/k/a MIGUEL  
ESPINOZA, PERLA ESPINOSA, and  
FREEWAY GROUP INC.,  
Defendants,

and

4 LAFAYETTE REALTY LLC and  
WISDOM EQUITIES LLC,  
Defendant-Intervenors.



**ORDER**

17 CV 799 (VB)

On February 2, 2017, plaintiff commenced the instant action against defendants Miguel Espinosa, Perla Espinosa, and Freeway Group Inc., seeking to foreclose upon a purported interest in real property, owned by Freeway Group and formerly owned by Miguel and Perla Espinosa. (Doc. #1). Plaintiff alleged the Espinosas deeded the property to Freeway Group but failed to satisfy a mortgage—made by the Espinosas—encumbering the property.

On September 6, 2017, following defendants' default, the Court issued a Judgment of Foreclosure and Sale. However, by Opinion and Order dated July 17, 2018, the Court vacated the judgment—principally because Freeway Group was never properly served, did not willfully default, and clearly had a meritorious defense. (Doc. #37). Indeed, it appeared the mortgage at issue had been discharged pursuant to the Espinosa's sale of the property to Freeway Group.

By Order dated September 25, 2018, the Court granted 4 Lafayette Realty LLC and Wisdom Equities LLC leave to intervene as party defendants in this action. (Doc. #54). On October 10, 2018, defendant-intervenors answered the complaint and asserted five counterclaims against plaintiff. (Doc. #58).

On April 11, 2019, the parties attended a settlement conference. (Doc. #83). By joint letter dated April 22, 2019, the parties informed the Court that plaintiff and Freeway Group reached a settlement resolving plaintiff's claims, but that defendant-intervenors' counterclaims against plaintiff remained unresolved. (*Id.*).

By Opinion and Order dated February 10, 2020, the Court granted summary judgment against plaintiff on three of defendant-intervenors' five counterclaims. (Doc. #103). Defendant-intervenors informed the Court they would not further pursue their two remaining counterclaims,

and on February 26, 2020, the Court dismissed those counterclaims without prejudice pursuant to Rule 41(a)(2). (Doc. #111).

On March 3, 2020, in accordance with its February 10 Opinion and Order, the Court entered judgment against plaintiff and in favor of defendant-intervenors. (Doc. #115).

Accordingly, all claims in this action have been resolved.

The Clerk is instructed to close this case.

Dated: March 3, 2020  
White Plains, NY

SO ORDERED:



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Vincent L. Briccetti  
United States District Judge